

02-25-02


CPA 11753/1

PTO/SB/29 (10/00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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	CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL		CHECK BOX, if applicable: <input checked="" type="checkbox"/> DUPLICATE
	Submit an original, and a duplicate for fee processing. (Only for Continuation or Divisional applications under 37 CFR 1.53(d))		

Address to: Assistant Commissioner for Patents Box CPA Washington, DC 20231	Attorney Docket No. of Prior Application	514425-3732	# 14/W.M. 3/4/02
	First Named Inventor	Osan et al.	
	Examiner Name	Janis L. Dote	
	Group/Art Unit	1753	
	Express Mail Label No.	EV 073646055 US	

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. 1.53(d), (continued prosecution application (CPA) of prior application number 09/331,729, filed on August 26, 1999 entitled: **TONER FOR DEVELOPMENT OF ELECTROSTATICALLY CHARGED IMAGE CONTAINING POLYOLEFIN RESIN HAVING CYCLIC STRUCTURE**

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P- NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-403.

1. ☒ Enter the unentered amendment previously filed on August 21, 2001 under 37 C.F.R. 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4).
 - a. ☐ DELETE the following inventor(s) named in the prior nonprovisional application:
 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:

a. <input type="checkbox"/> PTO-1449	02/26/2002 JADD01 00000070 09331729
b. <input type="checkbox"/> Copies of IDS Citations	01 FC:131 740.00 OP 02 FC:114 1440.00 OP

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR. 1.16(c) or (j))		14 - 20* =	0	x \$ 18 =	\$ 0.00
INDEPENDENT CLAIMS (37 CFR. 1.16(b) or (i))		3 - 3** =	0	x \$ 84 =	0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 270 =	
				BASIC FEE (37 C.F.R. § 1.16)	740.00
				Total of above Calculations =	\$
				Reduction by 50% for filing by small entity (Note 37 CFR 1.27).	
				TOTAL =	\$ 740.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27)
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **50-0320**
- a. ☒ Fees required under 37 C.F.R. 1.16.
- b. ☒ Fees required under 37 C.F.R. 1.17.
- c. ☐ Fees required under 37 C.F.R. 1.18.
8. ☒ A check in the amount of **\$740.00** and a check in the amount of **\$1440.00** is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503).
13. ☒ **Other:** Pursuant to 37 C.F.R. 1.136(a), Applicants petition the Assistant Commissioner to extend the time period for response by four months; i.e., up to and including **February 24, 2002**. Enclosed is a check for **\$1440.00** to cover the cost of the extension of time.

NOTE: The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS					
<input type="checkbox"/> Customer Number or Bar Code Label		(Insert Customer No. or Attach bar code label here)		or <input checked="" type="checkbox"/> New correspondence address below	
Name	William F. Lawrence, Esq., FROMMER LAWRENCE & HAUG LLP				
Address	745 Fifth Avenue				
City	New York	State	NY	Zip Code	10151
Country	U.S.	Telephone	(212) 588-0800	Fax	(212) 588-0500

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED	
Name (Print/Type)	Samuel H. Megerditchian
Signature	<i>Samuel H. Megerditchian</i>
Registration No. (Attorney/Agent)	45,678
Date	February 22, 2002

FEE TRANSMITTAL**for FY 2001**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$)**2180.00****Complete if Known**

Application Number	CPA of 09/331,729
Filing Date	Herewith
First Named Inventor	Osan et al
Examiner Name	Janis L. Dote
Group/Art Unit	1753
Attorney Docket No.	514425-3732

METHOD OF PAYMENT1. ☒

The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Frommer Lawrence & Haug LLP**50-0320**☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17☐ Charge the Issue Fee Set in 37 CFR 1.18 at the Mailing of the Notice of Allowance2. ☒ Payment Enclosed☒ Check☐ Money Order☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					740.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claim	Fee from below	Fee Paid	
14	-20** = 0	X	= 0	
Ind. Claims	3	-3** = 0	X	= 0
Multiple Dependent		X	= 0	

** or number previously paid, if greater; for reissues, see below

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
107	510	207	255	Plant filing fee	
SUBTOTAL (2)					(\$0)

FEE CALCULATION**3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or Cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request of reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	1440.00
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use Proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive- unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional Applications	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR 1.129(b))	
Other fee (specify)					
Other fee (specify)					
SUBTOTAL (3)					(\$1440.00)

* Reduced by Basic Filing Fee

SUBMITTED BYTyped or Printed Name **Samuel H. Megerditchian**Signature *Samuel H. Megerditchian*

Date

2/22/02

Complete (if applicable)

Reg. Number

45,678

Deposit Account

50-0320

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CERTIFICATE OF MAILING - SEPARATE PAPER - CPA

Attorney Docket No. : 514425-3732

Title : ***TONER FOR DEVELOPMENT OF ELECTROSTATICALLY
CHARGED IMAGE CONTAINING POLYOLEFIN RESIN
HAVING CYCLIC STRUCTURE***

Filed : August 26, 1999

Applicants : Osan et al

Date Mailed : **February 22, 2002** via "Express Mail Label # EV 073646055 US

I hereby certify that the Continued Prosecution Application for the above-referenced application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

BOX CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

Edward Nay
(Type/printed name of person mailing paper or fee)

Edward Nay
Signature

RECEIVED
FEB 28 2002
10 1/00